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10/801,799	03/16/2004	Matthew B. MacLaurin	MS306776.01/MSFTP544US	1907
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AMIN, TUROCY & CALVIN, LLP			EXAMINER	
127 Public Square			PARKER, BRANDON	
57th Floor, Key Tower				
CLEVELAND, OH 44114			ART UNIT	PAPER NUMBER
			2174	
			NOTIFICATION DATE	DELIVERY MODE
			04/17/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/801,799

Applicant(s)

MACLAURIN ET AL.

Examiner

BRANDON PARKER

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-18, 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 8/18/2006, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is a non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendment, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant's arguments with respect to claims 1, 3-18, 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-18, 20-23 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention *as a whole* must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result. However, the mere fact that the claim may satisfy the utility requirement

of 35 U.S.C. 101 does not mean that a useful result is achieved under the practical application requirement.

Claim 1 discloses a "system for displaying item collection previews, comprising: at least one display object having metadata tags that describe two or more data items in a collection of data items....moves the selected item to the front of the collection allowing the user to navigate the rest of the collection...." The system itself is a form of software rather than a machine, manufacture, process or composition of matter. As such, it fails to fall within a statutory category. Therefore, claim 1, 3-14 is rejected because the claimed invention is directed to non-statutory subject matter.

Claim 16 discloses a "system configured to facilitate information preview from a collection...allowing a user to navigate the rest of the set.....previewing the information....". The system itself is a form of software rather than a machine, manufacture, process or composition of matter. As such, it fails to fall within a statutory category.

Claim 17 discloses "a method to facilitate information previews from a set of items....selecting a stack of display items with a first control...allowing a user to navigate the rest of the stack..." Each of instant claims 17, 18, 20, and 21 are drawn to a "method." The claims, if statutory, fall within the statutory class of "process." The "process" of representative claims 17, 18, 20, and 21 does not require any transformation and reduction of an article "to a different state or thing." Nor is the "process" tied to a particular machine. Under a broad but reasonable interpretation of claims 17, 18, 20, and 21, the subject matter of the claim requires at most human

thought or paperwork. See *In re Bilski*, 2007-1130, 2008 WL 4757110, at *10 (Fed. Cir. 2008) ("[E]ven a claim that recites 'physical steps' but neither recites a particular machine or apparatus, nor transforms any article into a different state or thing, is not drawn to patent-eligible subject matter."). Claim 17 does not recite any particular way of implementing the steps. Claim 17 does not require any machine or apparatus to perform the steps. Claim 17 does not recite any electrical, chemical, or mechanical acts or results, which are typical in traditional process claims. Claim 1 does not call for any physical transformation of an article to a different state or thing, nor does it require any transformation of data or signals. Claim 17 represents mere abstraction; i.e., a disembodied mathematical concept representing nothing more than an "abstract idea," which has not been reduced to some practical application that renders it "useful." As the Supreme Court has made clear, "[a]n idea of itself is not patentable." *In re Warmerdam*, 33 F.3d 1354, 1360 (quoting *Rubber-Tip Pencil Co. v. Howard*, 87 U.S. (20 Wall.) 498, 507, 22 L.Ed. 410 (1874)).

Regarding claim 22, the claim discloses a "graphical user interface" comprising...a display object for displaying...global controls...allowing the user to navigate the rest of the group..." The graphical user interface itself is a form of a software or program rather than a machine, manufacture, process or composition of matter. As such, it fails to fall within a statutory category. Therefore, claim 23 is rejected under similar rationale.

Specification Objections

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim limitations use the phrase "means for" or "step for", but it is modified by some structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph, because the claimed functions are modified by structure, material acts recited in the claims.

If applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that the phrase "means for" or "step for" is clearly not modified by sufficient structure, material, or acts for performing the claimed function.

If applicant does not wish to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that it will clearly not be a means (or step) plus function limitation (e.g., deleting the phrase "means for" or "step for").

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-18, 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Klevenz et al (US Publication 20030137540 hereinafter Klevenz)

Regarding claim 1, Klevenz discloses a system for displaying item collection previews "a user interface state comprises a navigation state stored in a *stack* structure, and placing information about a replacement pane in a user interface state comprises pushing information about the replacement pane onto the *stack* structure", (Par. 0015) comprising: at least one display object having metadata tags that describe two or more data items in a collection of data items "metadata to categorize documents into multiple taxonomies, for browsing and/or retrieval", (Par. 0058, Fig. 5B, Par. 0080, Par. 0081), "information could include information about data", (Par. 0059);

and a control component that selectively animates a presentation of the items based in part on the metadata tags and detected user activities (Par. 0058);

global controls for collecting unrelated items in a set of items to subsequently preview items (Par. 0077); and

one or more controller inputs to control the presentation of the items, wherein a user utilizes the one or more controller inputs to navigate the collection of data items via selecting an item in the collection, "a user interface may present data of an application

in an organized format. Furthermore, a user interface may allow a user to navigate through data and select certain data for more detailed analysis. Additionally, a user interface may contain a data entry portion. Thus, a user interface may present data to and receive data from a user for an application", (Par. 0040) selecting the item changes the order of the collection and moves the selected item to the front of the collection "the user interface state would be updated to reflect replacement of a pane in the page with the next pane", (Par. 0065), allowing the user to navigate the rest of the collection in a finer grained manner starting at the selected item "system and technique may allow for finer-grained navigation than on a page level. Moreover, the navigation may be fluid as it may proceed forward and/or backward and different actions for a control may affect the navigation differently", (Par. 0028).

Claim 12 is similar in scope to claim 1 therefore the claim is rejected under similar rationale.

Regarding claim 3, Klevenz discloses a system of claim 2, the controller inputs include at least one of a mouse curser control, a mouse wheel control, a voice command, an eye-gaze control, and a mechanical control to control the presentation of items "a pointing device (e.g., a mouse or a trackball) by which the user can provide input to the computer", (Par. 0108)

Regarding claim 4, Klevenz discloses a system of claim 1, the collection of data items further comprising a top item displayed as a thumbnail preview or an expanded size preview "a user interface state comprises a navigation state stored in a stack structure,

and placing information about a replacement pane in a user interface state comprises pushing information about the replacement pane onto the stack structure", (Par. 0015, 0027,), it is implied my pushing a pane to the top of a stack the size of the pane will be expanded when display.

Regarding claim 5, Klevenz discloses a system of claim 1, further comprising a control to provide a transitional animation that is employed to visually link movement of an axial controller with a change in a displayed icon "a page for a user interface, the page comprising a pane; receiving an indication of user interaction with a portion of the page; determining an event associated with the indicated interaction; and selectively generating a replacement pane based on the event determination", Abstract

Regarding claim 6, Klevenz discloses a system of claim 1, further comprising a currently selected preview image that is integrated with a collection icon as a reminder of collection contents, "specifying an event associated with replacement of a pane comprises specifying whether a previously used pane should replace the pane", (Par. 0023)

Regarding claim 7, Klevenz discloses a system of claim 1, the control component further comprises at least one of an object locator, a command detector, a content analyzer, and a formatter to selectively animate the presentation of the items (Par. 0108), it is implied the mouse is moved by the detected user command i.e. detects user interaction with the user interface and communicates messages (Par. 0040).

Regarding claim 8, Klevenz discloses a system of claim 1, further comprising a graphical user interface to selectively animate the presentation of items (Abstract).

Regarding claim 9, Klevenz discloses a system of claim 8, the graphical user interface further comprising a set of preference controls that can change, by type of item, preview visualizations and access behaviors associated therewith ("customize the application, which is beneficial because one *customer may prefer* a more streamlined application" Par. 0028 0041)

Regarding claim 10, Klevenz discloses a system of claim 1, the items include one or more subcomponents that can be previewed, selected, or displayed (section/subsections Par. 0080).

Regarding claim 11, Klevenz discloses a system of claim 1, the items can be previewed in two dimensional or three dimensional form (118b, Fig. 1)

Regarding claim 13, Klevenz discloses a system of claim 1, further comprising controls to scale the items to be previewed (Par. 0007)

Regarding claim 14, Klevenz discloses a system of claim 1, further comprising a control to determine a rough position in a collection of items (Par. 0057)

Regarding claim 15, Klevenz discloses a computer readable medium having computer readable instructions stored thereon for implementing at least one of the display object and the control component of claim 1 (Par. 0107).

Regarding claim 16, Klevenz discloses a system that facilitates information preview from a collection "a user interface state comprises a navigation state stored in a *stack* structure, and placing information about a replacement pane in a user interface state comprises pushing information about the replacement pane onto the *stack* structure", (Par. 0015) comprising: means for displaying a set of information items; means for selecting the set of information items (Abstract); means for detecting a value with respect to the set of information items "receiving an indication of user interaction with a portion of the page; determining an event associated with the indicated interaction; and selectively generating a replacement pane based on the event determination", (Abstract); and means for previewing the information items based upon incrementing or decrementing the value "user interface state is included with a message containing information regarding the replacement pane", Claim 36.

Regarding claim 17, Klevenz discloses a method to facilitate information previews form a set of items, comprising: selecting a stack of display items with a first control "a user interface state comprises a navigation state stored in a *stack* structure, and placing information about a replacement pane in a user interface state comprises pushing information about the replacement pane onto the *stack* structure", (Par. 0015) and cycling the stack of display items "a user interface state comprises a navigation state stored in a *stack* structure, and placing information about a replacement pane in a user interface state comprises pushing information about the replacement pane onto the *stack* structure", (Par. 0015) with a second control in order to provide an information preview with respect to at least one of the items "user interface 114 includes a page

116, also known as a screen, that is itself composed of panes 118. A pane may be rectangular, square, elliptical, circular, or any other appropriate shape. As illustrated, pane 118a contains pane 118b and pane 118c. Additionally, pane 118b contains controls 120a-b and pane 118c contains control 120c. A control is basically a container for widgets that are displayed in the user interface. Thus, a control could be a composite of input fields, labels, buttons, and other fields. An example of controls is a "name" control and an "address" control for a shipping function. The "address" control, for instance, may contain five widgets: two input fields for entering street address, one drop-down box for choosing state, one input field for entering zip code, and one "ok" button to indicate that the address is complete. As illustrated by the controls example, user interface 114 may also facilitate the receipt of input from a user, such as, for example, the input of information and the selection of an action associated with information and/or a control", (Par. 0042),

Regarding claim 18, Klevenz discloses a method of claim 17, further comprising providing a transitional display for at least two display items in accordance with the second control (Par. 0042, 120a, 120b, Fig. 1)

Regarding claim 19, Klevenz discloses a method of claim 17, further comprising employing the first control to find an approximate position in the stack of display items.

Regarding claim 20, Klevenz discloses a method of claim 17, the information preview is associated with at least one of a display that is about the same size as the stack, smaller than the stack, and larger than the stack (120a, 120b Fig. 1)

Regarding claim 21, Klevenz discloses a method of claim 17, the first control is associated with a cursor which is controlled by a mouse and the second control is associated with a wheel of the mouse (mouse Par. 0108, pointer/control, Par. 0091)

Regarding claim 22, Klevenz discloses a graphical user interface, comprising: a display object for displaying a group of pages ("user interface 114--from pages to panes to controls", Par. 0054, Par. 0006); a tag associated with each member page from the group of pages "a subsection 422 that specifies the components in the pane", (Par. 0081, see Fig. 4a); a cursor to select the group of pages "a control has been selected for pane 330, the control has been rendered, and information regarding the control has been conveyed to the user interface device" (Par. 0074) wherein "Controls 143 and renderers 144 may be reusable between applications, user interfaces, pages, and/or panes", (Par. 0049); and an axial controller to cycle the group of pages.

23. The graphical user interface of claim 22, the axial controller causes a transition animation between pages when cycling the group of pages (Par. 0076-0078).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON PARKER whose telephone number is (571)270-1302. The examiner can normally be reached on Monday thru Friday 730- 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner
Art Unit 2174

/Joshua D Campbell/
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